IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22983 of 2004

Between:

1 Nettam Venkaiah @ Venkaiah Naidu, S/o N. Seshama Naidu, Indian,
R/o Amancherla Village and Post, Nellore Rural Mandal,
Nellore District.
2 Nettam Venkatamma, w/o Nettem Venkaiah @ Venkaiah Naidu,
R/o Amancherla Village and Post, Nellore Rural Mandal,
Nellore District.

... PETITIONERS

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Nellore, Nellore District.
3 The Mandal Revenue Officer, Nellore, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or a direction, one in the nature of writ of mandamus declaring the proceedings of the third respondent in Rc.B. 1458/04 dated 21-9-2004 in passing eviction orders against the petitioners to an extent of acres 4.33 cents dry lands in Survey No.
181-C3 to C7 acres and 3.83 cents dry land in Survey No. 180-1-3 to 180-1-5 and 181-CB respectively, of Amancherla village, Nellore Mandal, Nellore District, without giving reasonable opportunity and without conducting any enquiry, is arbitrary unreasonable, illegal, null and void and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the above said lands by the petitioners.

Counsel for the Petitioner: MR.R.V.CHALAPATHI
Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Revenue for the respondents.

2. In this writ petition, the petitioners are challenging the order dated 21-09-2004 passed by the first respondent – Mandal Revenue Officer in Proceedings Rc.No.1458/04 in respect of Ac.4.33 cents of dry land comprised in S.Nos. 181-C4, 181-C5, 181-C3, 181-C6 and 181-C7 of Amancherla Village of Nellore Mandal, Nellore District. The impugned orders were issued by the first respondent in exercise of the powers under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

3. Admittedly, against the impugned orders, the petitioners have an effective alternative remedy of filing an appeal before the Revenue Divisional Officer concerned and without availing the same, the petitioners have approached this Court in a posthaste manner.

4. In the circumstances, without going into the merits of the case, the writ petition is disposed of directing the petitioners to file an appeal along with a stay application before the second respondent - Revenue Divisional Officer within a period of two weeks from today. The second respondent – Revenue Divisional Officer is directed to pass appropriate orders on the stay application as expeditiously as possible. Till the disposal of the stay application,

status quo existing as on today shall be maintained.

The writ petition is accordingly disposed of.

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N.V. RAMANA, J

December 10, 2004

MRR/TVK

To:

1 The Mandal Revenue Officer, Nellore District.
2 Revenue Divisional Officer, Nellore District.
3 The District Collector, Nellore.
4 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

5 Two C.D. copies.